

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. G-14-12 (1)
	§	
ABEL HINOJOSA	§	

**ORDER OF DETENTION PENDING TRIAL**

On July 18, 2014, this Court conducted a Hearing on the Government's Motion to Detain **Abel Hinojosa**, a named Defendant in the above-styled and numbered cause. The Government appeared by attorney and announced ready; the Defendant appeared in person and by retained counsel and announced ready. The Government offered the testimony of James Emmerson, a member of the Drug Enforcement Administration Task Force; the Defendant proffered evidence in support of his request for release. The Court also made the Pretrial Services report, which recommended detention, a part of the record for purposes of the Detention Hearing only. Having now considered the evidence, this Court makes the following findings of fact and conclusions of law:

1. That pursuant to the Indictment there is probable cause to believe that **Abel Hinojosa** has committed a drug offense with a maximum penalty of ten years or more confinement, see 18 U.S.C. § 841, see also United States v. Trosper, 809 F.2d 1107, 1110 (5th Cir. 1987);

2. That by virtue of the foregoing finding a rebuttable presumption was created in favor of **Hinojosa's** detention, 18 U.S.C. § 3142(e);
3. That the strength of the Government's case is substantial given the numerous directly negotiated undercover purchases of a substantial total amount of high purity methamphetamine indicative of a "Cartel-like" source and corroborated in no small part, by a substantial number of authorized phone tap recordings and video recordings together with, *inter alia*, Hinojosa's disclosure of trafficking weapons into Mexico;
4. That **Hinojosa's** proffer of evidence, while indicative of a fairly low risk of flight, failed to rebut the presumption of detention created by the substantial criminal activities alleged against him in this case;
5. That by virtue of the foregoing findings, **Hinojosa** would constitute a danger to the community if released;
6. That the credible evidence and information submitted establishes by clear and convincing evidence that there is no condition or combination of conditions which could be imposed upon **Hinojosa** by this Court to reasonably assure the safety of the community if he were released.

It is, therefore, **ORDERED** that **Abel Hinojosa** be, and he is hereby, **COMMITTED** to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

It is further **ORDERED** that **Abel Hinojosa SHALL** be afforded a reasonable opportunity for private consultation with defense counsel.

It is further **ORDERED** that upon Order of a Court of the United States or upon request of an attorney for the Government, the person in charge of the corrections facility **SHALL** deliver **Abel Hinojosa** to the United States Marshal for the purpose of an appearance in connection with a Court proceeding.

**DONE** at Houston, Texas, this 22nd day of July, 2014.

  
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John R. Froeschner  
United States Magistrate Judge